

## **Committee Report**

**Item No:** 1

**Reference:** DC/18/05021

**Case Officer:** Vincent Pearce

**Ward:** Eye

**Ward Member:**

[temporary support being provided by Cllr Nick Gowrley]

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### **RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION SUBJECT TO CONDITIONS AND PRIOR COMPLETION OF REQUIRED S106 AGREEMENT**

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#### **Description of Development**

Outline planning application (some matters reserved) - residential development for up to 126 dwellings and associated infrastructure including access

#### **Location**

Land adjoining Tuffs Road and Maple Way, Eye

**Parish:** Eye

**Expiry Date:** 24/09/18

**Application Type:** Outline Planning Permission

**Development Type:**

**Applicant:** Peter, Sylvia, and Andrew West & Future Habitats Ltd

**Agent:** AAH Planning Consultants

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### **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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Members will recall that this application was previously considered by the Committee at its meeting of 16 January 2019 and that after considerable debate Members voted to **defer** a decision pending the receipt and analysis of requested specific further information.

The minute of that meeting records that:

“78.21 RESOLVED

The application was deferred for the following reasons:

1. Members are not assured that impacts from the development, capacity and safety can be mitigated to an acceptable degree. Details also not sufficient to understand amalgamated impact on Oak Crescent. To ensure principles of NPPF paras 108b and c, 109 and 110c are upheld officers are asked to seek a further opinion on the scheme from Suffolk County Council.

2. On receipt of further opinion, the application is to return to either Referrals or Development Control at the Chair's choice for consideration.
  
3. It was also expressed that the removal/reduction of use in respect of the Maple Way (southern access) for vehicular use should be explored without being prejudicial to any decision on the application. Should any amendment of the application take place on this basis, consultation will need to take place with all parties and neighbours prior to any presentation of case to members."

Members are advised that following the meeting the applicants formally amended the application in terms of proposed access arrangements. The proposal now before Members comprises (i) a single point of access for all vehicles provided from Tuffs Road with associated access for pedestrians and cycles; and, (ii) an emergency vehicle only vehicular access from Maple Way with general pedestrian and cycle access.

The revised access arrangement has been the subject of extended 21-day neighbour consultation by the Development Management Service.

This supplementary Committee report now provides Members with the following information:

- Details of SCC Highways reviewed comments in respect of the original access arrangement; and,
- Details of SCC Highways advice in respect of the revised access arrangements; and,
- Details and professional reaction to other benefits offered by the applicants since the meeting- these being:
  - (i) An additional 15m wide landscaped strip within which will be created a 3m wide prescriptive footpath/cycleway along the entire eastern boundary of the site within land also owned by the applicants [within the blue line]; and,
  - (ii) Willingness to undertake reasonable works to the highway at the 'pinch point' in Oak Crescent to create a table or change of surface material to accentuate the fact that pedestrians may be crossing between opposing sections of footpath; and,
  - (iii) Willingness to fund the reasonable legal costs associated with and the manufacture costs and installation costs of 'Priority' signage should SCC successfully secure the necessary TRO; and,

- An analysis of neighbour and comments on consultation responses received following the revision of the proposal; and,
- A revised set of conclusions, reviewed planning balance and recommendations.

**The previous report presented to Members on 16 January 2019 and associated papers are reproduced as an appendix to this, the supplementary report, to assist Members. This supplementary report will not reproduce the earlier content and it should be assumed for decision making purposes that earlier report remains relevant and applicable unless otherwise stated or clearly superseded by the content of this the latest report.**

**This supplementary report should therefore be read in conjunction with the earlier report subject to the above proviso. Members are however advised that it is the RECOMMENDATION WITHIN THIS THE SUPPLEMENTARY REPORT that is now the one that should be considered**

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## **PART TWO [A] – Revised Proposal and Re-Consultation arrangements**

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Following the Committee meeting of 16 January 2019 and in response to Members instruction detailed as item '3' within the official minute officers negotiated with the applicant to amend the originally proposed access arrangements. On 22 January 2019 the application was formally revised with the submission of drawing reference CAL01117-04-REXH which shows a single point of vehicular access for general traffic into the proposed development from Tuffs Road. The previous point of vehicular access for general traffic from Maple Way is **now removed** from the proposal. The Maple Way access will now be for **emergency vehicles only** along with pedestrians and cyclists.

**On 24 January 2019 the Council re-consulted all previously consulted neighbours and the Town Council giving 21 days for comments. Suffolk County Council [Highways] was also formally re-consulted at the same time.**

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**KEY LEGEND**

- Site boundary 5.74ha
- ▲ External car access
- ▲ Emergency access, open to cyclists and pedestrians

126 Proposed Dwellings

**NOTES:**

1. A native hedgerow will define the north and east boundaries to the development. Hedgerow trees will also be provided, with species such as field maple on the northern side and oak to the east. This will add back a key characteristic feature and an effective and soft screen.
2. The backs of gardens along the north and east boundary should have a treatment sympathetic to the rural/urban edge character such as post and rail or chain link fence to reinforce the hedge at implementation.
3. Along the northern boundary, the hedgerow will be offset from the PRoW footprint to maintain a degree of openness. There will be a grass verge which could be planted with native wildflowers, suitable for this location.
4. Trees planted within the site will further break up the built form and provide a transitional approach between the urban and rural landscape.
5. Amenity protected with properties respecting national standard.
6. Attenuation storage situated in the area of the lowest point in the lie of the land.
7. Homes are sited to positively relate to the street and have private gardens.

**NORTH**



1:1250 Proposed Site Plan A2  
CAL01117-04-rev H

**EYE PROJECT**

**GENERAL TRAFFIC**

**EMERGENCY VEHICLES ONLY**



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**PART TWO [B] – REVIEWED COMMENTS SCC HI Revised Access Arrangements access arrangements and in respect of revised access arrangements**

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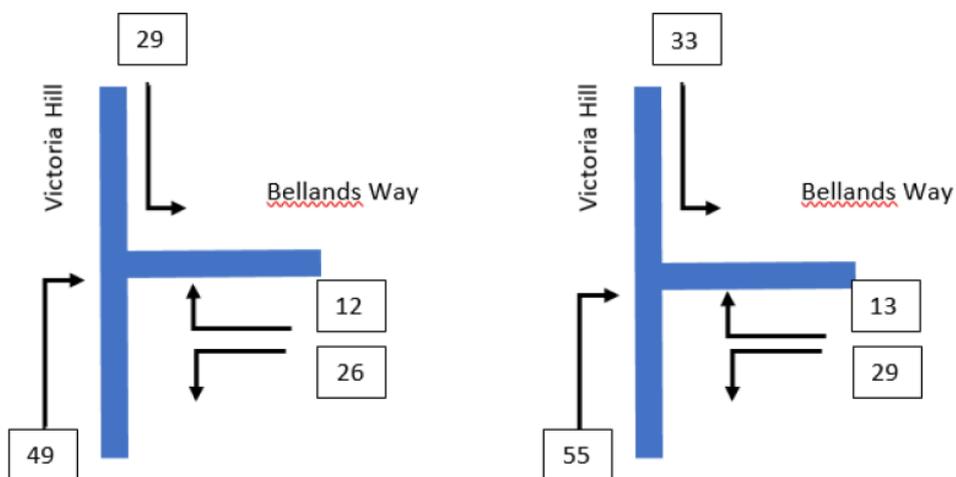
On 14 February 2019 Suffolk County Council [Highways] provided its comments both in respect of the revised proposal and in respect of its reviewed position with regard to the initial proposal. The extended response states:

“Following the committee decision for referral for this application, following the request from the councillor to gain a second opinion on the site, Suffolk County Council revisited the application to re-examine the development proposal to access from Tufts Road and Maple Way.

A SCC officer, with a safety background, visited the surrounding road network around the site to evaluate the original application and the concerns raised by residents on the 'poor access', narrow sections of carriageway and parked cars. He observed the 90 degree bend at Bellands Way junction with Oak Crescent and the narrow section between Oak Crescent and Ash Drive do have the risk of being a conflict area for vehicles, however, the speeds of vehicles were low.

Bellands Way serves approximately 200 homes and in the peak hour, and the survey taken in January 2018 shows 116 vehicles turning in and out of the junction with Victoria Hill; approx. 2 vehicles every minute.

As the existing street pattern via Bellands Way is longer and more tortuous than the route via Century Road, it is considered the majority (approx. 80%) of the development traffic will use Century Road to access the highway network and only 20% will use Bellands Way. For 126 dwellings and a trip rate of 0.57, it is estimated the number of vehicles that would use Bellands Way is 14 vehicles in the peak hour; approx. 1 vehicle every 4 minutes.



2018 Turning movements in PM Peak

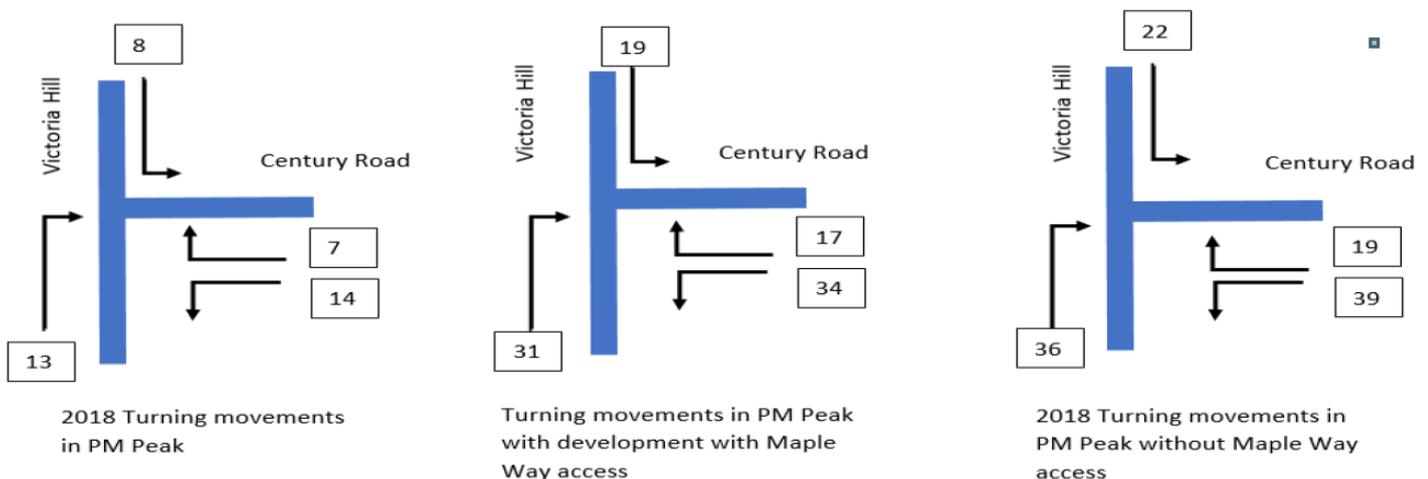
2018 Turning movements in PM Peak with access included off Maple Way

NPPF 109 states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. With the low increase in expected traffic from the site and existing low speeds, SCC views remains that the 2 accesses would not have significant impact on the existing highway but minor mitigation can be proposed to alleviate concerns and highlight possible conflict locations.

However, views were expressed by the committee to change the access arrangement to a single access leading onto Tufts Road and only an emergency and pedestrian access onto Maple Way. This proposal would obviously put more pressure onto Century Road junction and remove the ability and opportunity to link the existing cul-de-sacs; in the event there is an accident or road repairs in the road where access is restricted or obstructed.

A Supplementary Transport Note dated January 2019 has been supplied following the above request on the access arrangements. A summary of our findings are as follows:

The existing number of dwellings that are accessed off Century Road is 52. The survey data for the Victoria Road/Century Road junction, the existing vehicle movements into and out of the junction is 28 vehicles in the peak hour (2.1 vehicles per minute).



The estimated total additional vehicle trips in the peak hour is 74 vehicles (1.2 vehicles every minute). The average delay increase is calculated to be 1.5 seconds and the increase in queue length is minimal.

Considering the all vehicle movements of the junction, there will be an increase in traffic of approx 12%. Taking all the above into account, it is our opinion that this development should not be prevented or refused on highways grounds as there are no unacceptable

impacts on highway safety, or the residual cumulative impacts on the road network would not be severe (paragraph 109 NPPF).

Conditions are then recommended: please see consultation response within the appendices for details

- Discharge of surface water
- Refuse and recycling details
- Construction method statement
- Electric vehicle charging, cycle parking
- Travel plan

### Contributions

Legal order and improvement works required to surrounding footpath: a contribution of £15,000.

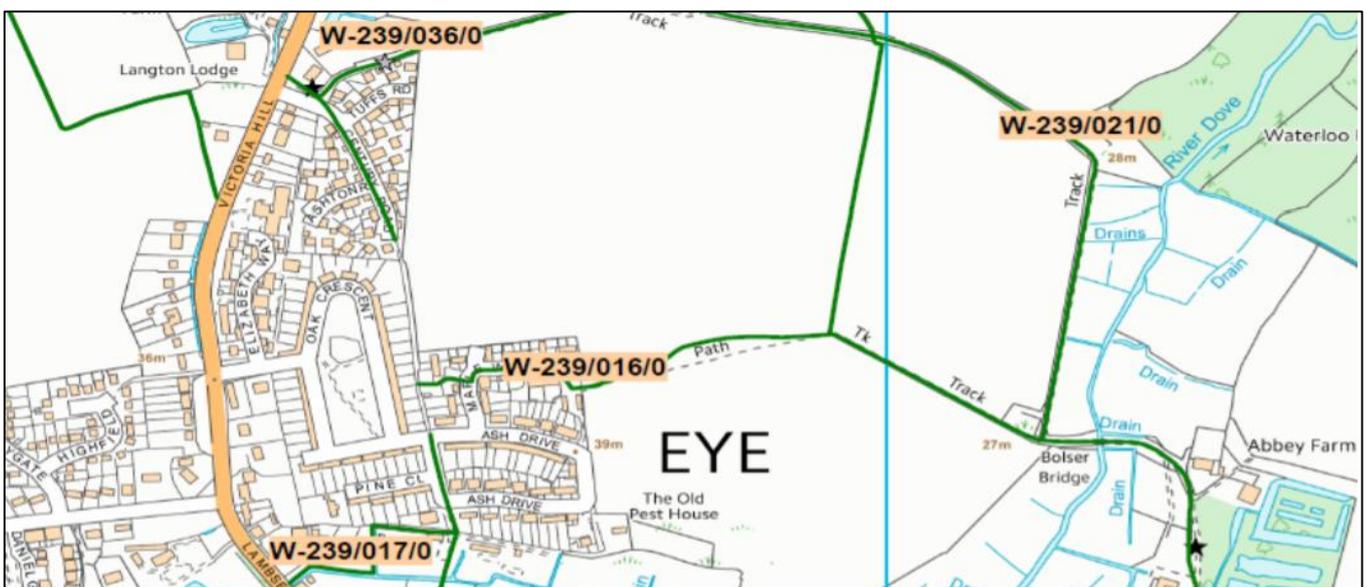
Bus stop improvement contribution of £25,000.

The estimated cost of Smarter Choices measure initiatives including officer time, marketing, provision of travel to school measures, monitoring the success of the smarter choices scheme using traffic counts, surveys and uptake of the measures on an annual basis. The estimated total cost £250 per dwelling - £31,500 total (contribution which will need to be index linked to protect against inflation).

### S106 CONTRIBUTIONS

Public Rights of Way

PROW team request creation orders to join the following PROW as the definitive map below:



All the contributions and obligations have taken into account CIL regulation 122 and are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

Full wording for the proposed Section 106 obligations can be supplied at a later date if planning permission is granted.

#### NOTES

The Local Planning Authority recommends that developers of housing estates should enter in to formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.”

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## **PART TWO [C] – TOWN COUNCIL and NEIGHBOUR CONSULTATION RESPONSES in respect of revised access arrangements**

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**Eye Town Council** continues to object, stating: [reproduced in full]

**“Objection to the application DC/18/05021- Residential Development of up to 126 homes between Tuff Road and Maple Way, Eye, Suffolk**

**ETC convened a special meeting of its Planning Committee on February 7th 2019. The meeting unanimously resolved to object to the proposed development in its revised form. ETC requests its objection to the original application submitted on 5th December 2019 by the Town Clerk to be considered as relevant to this revised application. This paper was displayed on the planning portal (and is attached as an appendix) but was not reflected in the Committee report or in the papers distributed to members of the MSDC Planning Committee and was not therefore given the weight it merited. ETC is now able to expand on some aspects of this paper, which is attached, informed by the debate and questions put by Members to the planning officer at the Committee meeting held on 9th January 2019.**

This is a summary of the reasons why this application should lawfully be refused. Supporting information is listed later in this statement of objection:

1. The access proposals are un-safe and the proposal is therefore contrary to NPPF para 108 section B.

#### **Officer comment:**

The whole point of this supplementary report is to explore this question and it is both the view of Suffolk County Council Highways officers and that of planning officers at MSDC that the revised access arrangements do comply with paragraph 108 of the

NPPF as will be explained in detail. It will be demonstrated that increases in peak traffic at the junctions with Victoria Hill will not be significant. Indeed they will be low.

2. The proposal is not consistent with the Eye Neighbourhood Plan and would cause demonstrable harm to its implementation. The Plan has received strong support during the Pre-Submission stage and is about to be submitted to MSDC. It should be taken into account in accord with para 48 of the NPPF.

**Officer comment:**

Officers do not disagree with the Town Council as it is right to say that this site is not allocated in the Pre-Submission Draft Eye Neighbourhood Plan. The question for Members in exercising their planning balance and ascribing weight to the various relevant material considerations is what weight does a Pre-Submission Draft Neighbourhood Plan carry. Members will recall from the meeting on 16 January 2019 that the Council's solicitor provided the Committee with legal advice. That advice was (i) that the NPPG indicates that an emerging plan only begins to gain material weight once it has been submitted and (ii) in terms of Neighbourhood Plans material weight begins to arise only once the examination has been undertaken.

Town Council is currently at Regulation 18 Pre-Submission Consultation Stage of the Neighbourhood Plan process. Therefore, whilst some residents may refer to the Eye 'having' a Neighbourhood Plan this is not strictly true. At present it only has a Pre-Submission Draft.

The Council's solicitor will explore this issue in greater detail at the Committee meeting if required

3. The proposal will damage the setting of listed buildings - contrary to para 190 of the NPPF

**Officer comment:**

As with many aspects of planning this is a question of judgement. The Council's Heritage Team has, in its formal consultation response, indicated that in their professional opinion the proposal will cause 'less than substantial harm' This should not necessarily be interpreted as insignificant impact. The tests set out in the NPPF require local planning authorities to identify 'substantial' harm [which implies the total loss of a heritage asset], no harm or 'less than substantial' harm. Within this spectrum of harm 'less than substantial' represents a range from negligible through low to moderate and then high]. The Heritage Team have ascribed a rating of 'negligible' to the less than substantial harm to St Peter & St Paul's church and have identified that 'potential' harm *may* be caused to the setting of Bromeland Cottage. The previous report and Committee presentation explored these points in great detail within the context on NPPF paragraph 196 which states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the

public benefits of the proposal including, where appropriate, securing its optimum viable use.”

This is the planning balance process explored in the report, throughout the presentation and during discussion at the meeting. The Council has complied with paragraph 190 of the NPPF in that it has identified the significance of affected heritage assets, has taken account of impacts and has in its opinion minimised any conflict.

4. The proposal will affect views of and from the historic centre of Eye including the Castle and the Church and no heritage assessment has been undertaken contrary to paragraph 189 of the NPPF.

**Officer comment:**

The previous presentation explored such impacts and concluded that any impact on views will be negligible.

5. The site is in a Special Landscape Area and, given alternative sites which are not in the Special Landscape Area are available, the proposal is contrary to the Mid Suffolk Local Plan 1998.

**Officer comment:**

This concern was extensively explored in the previous report, presentation and discussion on 16 January 2019.

6. The proposal is contrary to the guidance in the Local Plan (2008) which states that Eye should grow to the North West towards the Airfield.

**Officer comment:**

The policy position was described and explored in detail previously.

7. The District Council is now able to demonstrate that it has five years supply of housing land and the 'tilted balance' longer applies. The Town council also objects for some procedural reasons:

**Officer comment:**

The Council is currently formally unable to demonstrate that it has a 5-Year Housing Land Supply as explained early on in this report. The recent consultation document produced by the Council which suggests a 5-Year Housing Land Supply does not exist currently carries no status.

Housing delivery in the District has been behind the required trajectory. Using the standard methodology 585 dwellings per annum are now required for the period 2018-2036. Historic rates of delivery have been at the 426 per annum level. That is

a significant shortfall. The compound impact being an increasingly widened gap and therefore an expanding delivery requirement, year on year.

8. The applicants have made no attempt to engage the community directly on their proposals nor have they engaged in the preparation of the ENP contrary to Paras 40 and 128 of the NPPF.

**Officer comment:**

This was noted at the meeting on 16 January 2019 and Members expressed a shared disappointment and frustration with Eye Town Council in this respect. It was however recognised that an applicant is under no legal duty to engage in such dialogue although it is seen as good practice and is embraced by many applicants/landowners/developer's wishing to take communities with them.

9. The District Council's process of consultation on the revised application was flawed as a number residents were not notified directly.

**Officer comment:**

The normal protocol of notifying those neighbours immediately adjoining the application site was extended and 210 notification letters were issued and re-issued for re-consultation purposes. In widening the notification radius the Council is often criticised for setting boundaries to the extent of any notification that at some point always exclude some and include others. That is why the Council adopts a belt and braces approach to publicising applications choosing to send neighbour letters and posting initial site notices. The Service is satisfied that there has been very wide publicity for this proposal and normal custom and practice has been followed.

10. The process for considering the original and second applications was deficient – the Planning Officer's report ignored highway safety issues, it gave no weight to the ENP when it should have given it some weight and it ignored the Local Plan (2008)

**Officer comment:** This claim is vehemently rejected as the previous report, presentation and discussion was comprehensive and certainly included the significant attention to highway issues and local objections. Members who were at the previous meeting will be able to confirm that was the case. Opinions differed between the Town Council and officers but that is not the same as officers 'ignoring' the said issue.

11. That support should be given to local communities to shape their future environment in accord with NPPG para 29

**Officer comment:** Members will be familiar with the requirement on both them and officers to determine planning applications on their own merits having had regard to all relevant material planning considerations. The community in Eye is looking to

help shape its own future via its Neighbourhood Plan which will in due course be a material consideration that carries significant weight. When [and if] Adopted it will be one on many material considerations. The modern planning system has always been operated for the wider 'public good' which extends across the entire District. Currently there is a pressing need to deliver additional housing throughout the District a consideration that must also be weighted and one that may result in conflict with local opinion. Many Members will be familiar with that pressure in their own wards and parishes

## Highway Safety

The primary change in this revised application is to restrict the Maple Way access to emergency vehicles only with all non-emergency traffic routed via the Tuffs Road egress via Century Road on to the B1077 at Victoria Hill. This turns the emphasis, as far as general access is concerned, to the Tuffs Road and Century Road exit on to the B1077.

The Eye speedwatch team has surveyed traffic on Victoria Hill over a longer period than that contained in the applicant's Traffic Survey. Average speeds have been measured at 38.3mph. No proposal is included for any highway improvements to restrict speed on Victoria Hill. There is also a question regarding visibility in both directions given that now the Century Rd/ Victoria Hill junction will serve as the sole access point for 174 dwellings (126 proposed and all dwellings in Century Rd, Tuffs Road and Ashton Road - 48 in total). ETC objects on these grounds alone - the access arrangements will not be safe and will therefore be contrary to NPPF para 108 b - safe and suitable access to the site cannot be achieved for all users - and on these grounds it should be lawfully refused.

### **Officer comment: [SCC(H)]:**

Suffolk County Council's policy is for visibility splays to be to Design Manual Roads and Bridges (DMRB). For 30mph speed limit, the Y distance is to be 90m with a setback of 2.4m. Both junctions onto Victoria Hill have the required visibility. For the speeds recorded by speedwatch at 38mph, the y distance should be 95m with a setback of 2.4m; both junctions can achieve the required distances except for Century Road Junction for northbound traffic as it can achieve 90m. This is acceptable as it's within a 30mph speed limit.

E.T.C. resumed..

The Planning Officers note to the applicant's agent dated 16th January and placed on the planning portal states in paragraph 1 that this single point of access would serve less than 150 dwellings. This is not correct as ETC maintains that the existing dwellings in Century Road, Tuffs Road and Ashton Way all have to use this exit making 174 in total (see paragraph above).

Visibility from Century Road is also a key safety issue. Application 4568/16 exiting on to the B1077, just 100 metres from Century Road and to construct only three dwellings, required 90 metre visibility. Century Road has only 70 metres for a significantly larger

number of dwellings generating a large increase in traffic. MSDC must be consistent in their standards and would not be in allowing this application to succeed.

The MSDC committee deferred the original application to give further consideration to highways issues. These have not been addressed in sufficient depth or impartially in the revised application. It is ETC's firm belief that SCC did not undertake a site visit for the first report. The traffic survey content included in the application was not challenged or addressed and the traffic flow at the Century Road junction with Victoria Hill was also not adequately addressed.

Highways and related matters should be examined by an independent body, not SCC, who would in effect be examining its own work undertaken previously, incorrectly and without the benefit of a site visit. This should be made available for comment by ETC and via its members of the public. ETC feels it cannot offer a fully considered response without it and equally MSDC members cannot take a fully informed view on highways matters. Members will remember that this position was succinctly summed up from the Chair as that conditions which were witnessed on the ground' (MSDC site visit made on 18th December 2018) were not accurately reflected in the papers before them. This remains the case based on present data available to ETC.

A fully researched Travel Plan should be prepared and consulted on before any planning application is heard. This should be independently prepared or at least any survey prepared on behalf of the applicant should be independently examined.

Maple Way is not suitable for emergency access in any event especially as this now has to potentially serve a further 126 dwellings. Parking in Bellands Way and Ash Drive remains a problem and a potential obstacle to emergency vehicles. Members will have experienced this on their site visit.

Comments given by the Suffolk Fire and Rescue Service in their letter dated 23rd November 2018 in commenting on the original application did not address this 'on the ground' matter and restricted their comments only to hydrant availability and the preference to include sprinklers in new homes.

**Officer comment:** These points are explored in greater detail elsewhere in this report.

### The Eye Neighbourhood Plan

It should also be noted that the draft NP will be submitted to MSDC in the third week in March. In accordance with paragraph 48 of the NPPF even more weight should be given to the contents now that it has reached this stage. The NP has a clear majority community support judging from comments returned from the first round of consultation. These will be verifiable in the consultation summary on submission in March.

**Officer comment:** the points raised by ETC below were previously addressed and so advice given previously will not be repeated here.

However, the following additional new points are made in response to matters raised below:

The Pre-Submission Draft ENP identifies sites for a total of 685 new dwellings in Eye during the plan period 2018 – 2036. The majority of sites that contribute to this total are allocated within the Eye Pre-Submission Draft NP and the application site is not one of them. However the document identifies a further potential for 160 units on 'windfall' sites **[Table 3 and Table 4 - page 45, PSDNP]**.

Whilst it is suggested that windfall site contributions should be phased such that 44 are delivered between 2018-2023, a further 44 between 2024-2029 and 72 in the final phase 2029-2036 the application site can be considered a 'windfall' that is brought forward earlier than planned due to circumstances that apply and its sustainable nature. The planning system must still have regard to the requirement to approve sustainable development unless material considerations indicate otherwise, particularly at a time when paragraph 11 of the NPPF continues to apply. [the status of current local plan policies was thoroughly rehearsed in the previous report, in the presentation and during discussion at the meeting of 16 January 2018.]

The ENP offers:

- Alternative sites which yield actually more homes and meet all researched housing targets
- A greater use of brown field sites
- Sites which continue the MSDC planning concept of new development being a logical northward westward extension to the town'
- Sites not in a Special Landscape Area
- Sites with no adverse impact on views to the town or any listed building
- Sites with better access to B roads with better visibility
- Sites nearer the A140 taking traffic away from the town
- Sites accessed via better footpaths than is the case on Victoria Hill
- Sites not on a walking route to local schools

The benefits of contribution to the local economy and affordable homes mentioned by the agent in support of this application will be at least equally delivered from alternative sites proposed in the ENP.

The proposal to develop 126 dwellings at Maple Way/Tuffs Road in Eye would have a number of adverse impacts on the implementation of the ENP which meets a number of Government policy objectives set out in the NPPF:

1. At least 10% of sites should be on sites of less than 1 hectare - the Pre Submission draft of the Eye Neighbourhood Plan 2018 - 2036 (ENP) proposes 3 sites of less than 1 hectare for residential development. This mix of sites would be threatened by permitting the Maple Drive application.

2. The use of brownfield sites should be maximised - the ENP proposes 4 residential development sites on brownfield land which together would bring forward 139 dwellings. If the Maple Drive site was permitted, along with the development south of Eye Airfield, there would be a supply of over 400 dwellings. With an estimated 40 dwellings per year completion rate this is 10 years supply of land. This oversupply of greenfield land for residential development would hold back the development of the brownfield sites identified in the ENP.
3. The NPPF requires a sufficient supply and mix of sites - the ENP identifies a range of sites for different types and tenures of housing. Permitting Maple Drive would threaten this objective by concentrating development on two greenfield sites with less diversity of provision.
4. Development should contribute to wider social and economic objectives – the oversupply of greenfield land would frustrate a number of wider objectives by holding back the development of brownfield sites:
  - a. Eye Surgery/Hartismere Health and Care - the provision of efficient and effective health facilities is a major concern of Eye residents especially in relation to the population growth of the Town. The redevelopment of the Local Surgery and part of the Hartismere Health and Care site would enable substantial reinvestment in the Health and Care facility. This redevelopment will be at risk if Maple Way/Tuffs Rd is permitted.
  - b. The Ai Chicken Factory - the factory is an inappropriate use adjoining the old town of Eye and its conservation area. The odour from the site is a major concern of Eye residents who would like the site to be redeveloped. The ENP proposes redevelopment for housing, food retail and much needed additional car parking for the Town centre. The site probably has contaminants from its current use and from its use for transporting munitions during WWII so redevelopment will be expensive. The redevelopment of the Chicken Factory will allow its owners to reinvest in other more suitable and efficient sites meeting economic objectives. This redevelopment will be at risk if Maple Way/Tuffs Rd is permitted.
  - c. Paddock House - this site will also be expensive to develop and the District Council has already invested a substantial sum of public money in purchasing the site. Its redevelopment will be at risk if Maple Way/Tuffs Rd is permitted and the site will remain an eyesore in the centre of the historic Town conservation area.
5. A balance of housing supply including affordable and sheltered housing - The ENP makes provision for a substantial supply of housing including affordable and sheltered housing on a range of sites across the Town making suitable provision more likely.

6. The NPPF objectives should be delivered through Plans and the planning system should be Plan led Listed Buildings and Historic Views Matters which arose from the original application and raised by members at the meeting held on 9<sup>th</sup> January remain unaddressed. It is not contested in the application that a part of the view to the town and church will be lost. Views to the castle were mentioned by members at the last meeting and also remain unaddressed. The importance of these was down played in the officer's report. However, whilst less than substantial harm to the heritage asset is referred to in the BMSDC Heritage Team response there is nevertheless potential harm to the setting of the listed buildings to the north (Bromeland Cottage, Oak Cottage and 81 Langton Green all Grade II C18 cottages) and reference is made to the development of the site on a reduced scale due to the constraints of the designated heritage assets. Alternative sites proposed in the ENP have zero impact on any listed building or heritage asset. Whilst the development obstructs the views of the castle and church (both Grade I listed buildings) to some extent the view to the north from the castle will be greatly affected by this proposal. This does not accord with Section 189 of the NPPF and MSDC will be required "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting". This matter has parallels with the Debenham decision and strengthens the case for rejection.

### Special Landscape Area

The Maple Way site is within an area of Landscape Value identified in the Local Plan – while the Local Plan policy does not preclude development on sites within the landscape value area, the ENP has demonstrated that other land that is not within the area is suitable and available for development. Development in this area would, in any event, be contrary MSDC local plan core strategy review 2008 which proposed that Eye should grow north-west towards the airfield.

### Community Engagement

No consultation, formal or informal, has been undertaken by the applicant or the agent with ETC, either for the initial application or the revision, and therefore the application is contrary to Paragraphs 40 and 128 of the NPPF.

Para 40 states - 'Local Planning Authorities should .....encourage any applicants that are not already required to do so by law to engage with the local community ....before submitting their applications'.

This should be contrasted to the application for 280 homes on Eye airfield which was developed in consultation with the community and now has broad support at least for the number of homes. Nor has the applicant engaged with the preparation of the Eye Neighbourhood Plan at any stage on its process. It did not for example make any case for the site to be included in the Plan during the Pre Submission consultation despite

the fact that it made this second application during the consultation period. At the meeting to address the original application a committee member did express the view that the lack of consultation was arrogant' and that consultation should be undertaken before the application is determined. ETC warmly endorses both statements.

### Flawed Consultation

The consultation for this varied application was incomplete and the Residents Association has highlighted homes which should have had notification but did not in their correspondence with MSDC. An explanatory meeting was offered to ETC but failed to cover matters ETC wanted to discuss such as the need for a fresh application and some level of community consultation and consequently attendance, offered at very short notice, was declined. A meeting was also offered to the Residents Association representatives giving only one working-day of notice. This is surely evidence of unseemly haste and discourtesy and has been the subject of further correspondence. The consultation stage should be held again with letters going to all relevant residents not just some.

**Officer comment:** this issue is largely addressed earlier under an earlier officer comment but the following additional comment is offered. Following the meeting of 16 January 2019 the agent for the application was approached to see if he was willing to engage in a dialogue with Eye Town Council, representatives of the Council's Development Management Service and Suffolk County Council's Highway Service, representatives from Eye Town Council and Councillor Nick Gowrley, representing Eye. The agent was indeed willing to attend such a meeting and engage in dialogue including those matters included in the Committee's reason for deferral.

Having established Councillor Gowrley's availability, the following steps occurred:

- Eye Town Council was contacted by email on 17 January 2019 to sound out its reaction to a potential round table meeting with the agent on a date yet to be arranged. It was indicated that Town Councillors would first need to discuss the proposition 'in principle'. Nothing was heard back
- Eye Town Council was invited by email on 21 January 2019 to a round table meeting dated 29 January 2019.
- On 24 January 2019 an email was received from Eye Town Council asking the following:

"Apologies for the delay in responding I have been obtaining a statement from Councillors regarding attendance of the proposed meeting. Please see below:-

"We acknowledge receipt of your invitation to a meeting with the developer's agent and SCC Highways. Would you please clarify the purpose of the meeting and the outcomes you expect to result. We would be grateful if you would do

this in the context of your role as the planning officer responsible for advising the Committee and the fact that this site is not proposed for development in the draft Neighbourhood Plan.”

- On 24 January 2019 the following response was sent to ETC:

“I am delighted to be able to provide further background and can certainly deal with the specific points raised by your councillors. Hopefully this will help them decide whether or not they wish to join us.

I think it is fair to say that relationships between the Town Council and the District Council around planning matters have at times and of late been strained. I believe that Councillor Gowrley in representing Eye at the meeting had picked up on this and was keen to encourage planning officers to build bridges.

At the same time a number of councillors on the Committee were concerned to hear that the agent/applicant had not engaged in pre-application discussion with the Town Council – something they would have expected in relation to a proposed development of the scale suggested at Tuffs Road/Maple Way. We all heard the agent’s response.

You may also have heard that in response to all of the above I offered through the Committee Chair to try and arrange a meeting with the agent, Town Council reps, resident reps and myself and my highway colleague [Sam Harvey]. The aim being to explore ‘around the table’ local issues raised in respect of the proposal during the period of deferral agreed by Members to seek supplementary advice on the highway elements of the proposal and to explore the implications of an emergency vehicle access only from Maple Way.

The application will be re-presented to the Planning Committee [A] in due course with the additional advice requested and with a supplementary planning report providing an update including commentary and analysis of any revisions secured and a resume of discussions held. It was agreed that if revisions to the application are made additional consultation will be undertaken.

The agent has already responded to situation by offering to meet and has formally submitted a revision that now means the proposed Maple Way

Access will be emergency access only. I have asked for the consultation process to be re-triggered with a 21 day consultation period. A meeting would afford an opportunity to explore this matter and to raise any other concerns as well as possible other revisions.

In terms of the specific points raised by your councillors:

**Would you please clarify the purpose of the meeting**

- To provide Town Council reps with an opportunity to discuss their concerns with and objections to the proposed development directly with the agent, the highway authority case officer and myself in the presence of Councillor Gowrley and Phil Isbell [Acting Chief Planner]
- To explore the potential for amendments to the proposal to overcome where or if possible some of these concerns [without prejudice to the TC's opposition in principle]
- To provide the TC with an opportunity to advise further on Neighbourhood Plan progress
- To provide the TC with an opportunity to question Planning and Highway officers and to allow professional opinions to be explored
- To provide a forum that will enhance understanding between parties
- Afford the TC reps the chance to question the Council on its latest statements/consultation in respect of the 5-year housing land supply
- Afford the TC reps to consider and discuss with officers the implications of a changed 5YHLS position [if that is found to be the demonstrable case]

#### **the outcomes you expect to result**

- I have no pre-determined expectation as to the outcomes as the meeting will take us where ever it takes us
- Outcomes could in theory range from no outcome [no change to proposal], through subsequent revisions to the scheme, into fundamental changes and withdrawal of the application at the other end of the spectrum. Realistically you and I both realise that having the initial application at appeal and the duplicate this far advanced the latter prospect is highly unlikely to happen at this stage
- I do see the meeting as a real opportunity to influence consideration of the merits of the proposal because as yet the Planning Committee has not expressed a view as to the overall merits of the proposal. They have kept their powder very dry. I imagine they wish to consider how parties have reacted to the chance to liaise with each other and for the outcomes that arise.
- I do expect all parties to have an up-to-date understanding of the Council's latest 5YHLS position
- I do expect all parties to have a better understanding of what weight relevant policies and documents currently have
- I do expect to have agreed notes of the meeting that accurately reflect respective positions

#### **We would be grateful if you would do this in the context of your role as the planning officer responsible for advising the Committee**

- I see my role at the meeting as not leading discussion because to do so could easily lead to a perception in some quarters that I perhaps had an 'agenda' and was intent on directing discussion and manipulating outcomes
- I will be there for my professional advice to be questioned and to answer such questions
- I shall be there to explain and justify the content of my report

- I shall be there to hear the exchanges between parties and to reflect on these and identify potential areas requiring further technical consideration in the supplementary committee report
- I shall be there to identify potential new negotiating points

I have not floated this next point with Councillor Gowrley but I can see that it would be helpful if he were to assume the role as Chair of the meeting as by doing so he could fairly mediate and facilitate discussion.

**and the fact that this site is not proposed for development in the draft Neighbourhood Plan**

- This fact is not disputed
- The site is also not allocated for development in the Adopted Local Plan
- This site does not appear on the current local plan Proposals Map as allocated for development
- It is not disputed that the site lies within a Special Landscape Area

as clearly described in both my Committee report and my presentation

That said we do have the application before us and we are required to determine it on its merits after having regard to all material planning considerations.

It is fair to say that certain Adopted Local Plan policies and Core Strategy policies have been deemed to be out of date. It is also true that at the time of writing my report to Committee the Council was in a position of saying that it had not been able to satisfactorily demonstrate that it had a 5-year housing land supply despite having published its Annual Monitoring Report in July 2018 indicating that in its view it did have a 5YHLS.

It is fair to say that the current Draft Neighbourhood Plan carries little or no weight as a material planning consideration and the Council's solicitor Ian Du Prez expanded on the reasoning at the Committee meeting. This is however a position that will change over time depending on the outcome once the Plan has been submitted and examined.

In recent days the Council has published a consultation document in which it provides details of updated 5YHLS figures and this evidences data that does indicate the Council does have a 5YHLS. [currently that document also has no status]

I hope that this response provides sufficient background for your councillors to accept the invitation. It is a genuine attempt to improve liaison and an opportunity to influence the ultimate consideration of the application. I know that Members on the Committee want the process to be transparent and that whatever decision they make to be informed by a thorough understanding of all the issues. It is not a token gesture to tick a box and I would ask that the Town Council approach it with that in mind."

- On 24 January 2019 the following reply from ETC was received

“Thank you for your email which I have circulated to Councillor’s. I should hopefully have a response for you tomorrow.”

Nothing was heard back from ETC

- In trying to establish whether representative from ETC would attend Jon Betts the residents representative had deliberately not been contacted because it was not known if the planned meeting date of 29 January 2019 would be acceptable to ETC and it was considered vital they were in attendance. However on 26 January 2019 an email was sent to Jon Betts advising him of the meeting and asking if he or other residents reps wished to attend on the assumption that ETC would eventually agree to a meeting.
- On 28 January 2019 [the day before the planned meeting] an email was received from ETC stating that they would not be attending.
- On 28 January 2019 Jon Betts indicated neither he or fellow representatives could not make arrangements to attend at such notice. This was understandable.
- The planned meeting was cancelled.

In terms of the consultation /notification process undertaken by the Development Management Service in respect of this application more than 200 letters were posted to residents in the area.

In terms of distribution these went to:

Ashton Road	14
Bellands Way	2
Century Road	28
Elizabeth Way	40
Langton Green	10
Maple Way	30
Oak Crescent	47
Pine Close	4
Tuffs Road	7
Victoria Hill	12
Brome Avenue	2

others

Planning Officer's report to Committee dated 9th January 2019

ETC has registered a formal complaint that its application to begin a Neighbourhood Plan was submitted in 2013 and officers failed to put this before MSDC members for consideration. The application for area designation was for the whole of Eye Parish which was readily accepted after a second submission in 2018. It is submitted that this failure by MSDC officers is the primary cause of a NP not being placed before the people of Eye and 'made'. For this reason, amongst others, the Emerging NP should be given more weight than accorded to it in the Planning Officer's committee report. NO mention was made of this previous application.

**Officer comment:** this issue was previously explored but in terms of assessing the merits of the proposal currently before Members the existence of this disputed complaint is not a material consideration. Eye does not have an Adopted Neighbourhood Plan. The background to that state of affairs is not a matter for the Planning Committee and will if appropriate be investigated elsewhere within or beyond the Council. It is not reasonable for the applicant's case to be prejudiced [and this would include unreasonable delay in processing the application] by a 'procedural/legal' dispute between Eye Town Council and the District Council.

The MSDC local plan core strategy review 2008 proposed Eye should grow north-west towards the airfield. This was not in the planning officer's report and should have been. The text is reproduced below.

Extract from core strategy focused review 2008 - '2.17 The town of Eye has historically been constrained from expanding to the east south and west by low lying land liable to flooding from the River Dove and its tributaries. These areas of countryside have been designated as Special Landscape Areas in the Mid Suffolk Local Plan. Most development has taken place on higher ground to the north of the attractive historic core of the town. This is close to the employment area at Mid Suffolk Business Park on the former Eye Airfield. There is likely to be scope for some further housing development in this direction, without damaging the special character of the central area of Eye or locating housing too close to industrial uses.

### Commitment to Neighbourhood Planning

The NPPF promises that preparing a Neighbourhood Plan will 'give communities power to develop a shared vision for their area'. The community has engaged in two consultation stages in the preparation of the ENP during 2018. It has demonstrated its preferences and priorities for housing development. There is a strong preference for the sites identified in the ENP including a reserve greenfield site south of Eye Airfield and to the north of the 280 dwellings South of Eye Airfield. Residents were asked to choose between this reserve site and the site at Maple Way. 80% of people who expressed a

preference supported development on the west side of the town compared to 20% who supported Maple Way.

Permitting a site which is contrary to the preferences of local people would be contrary to the spirit of NPPF and would lead to a loss of confidence in the planning system by the people of Eye.

The ENP has been prepared with the aid of significant public investment through Neighbourhood Planning grant aid and technical support and funding from Eye Town Council. This funding has addressed all the issues required by the planning system including housing needs assessment, site assessment and site viability assessment. To make a decision contrary to the Plan is a waste of public investment.

This is an extract from the conclusion of the National Association of Local Councils (NALC) publication 'Where next for Neighbourhood Plans' 2018.

'All neighbourhood plans are necessarily plans for development and all contribute to shaping their areas by providing policies that guide appropriate development to the most suitable locations, be that through allocations or criteria. This should reduce opposition to development and make development that complies with those policies easier and quicker to bring forward than in areas that do not have a neighbourhood plan due to the fine-grained, hyper-local detail that they are able to add. These plans should have the opportunity to bring forward development as part of the plan-led system. If communities are to welcome new development because they feel in control, they must first feel in control. There must be a clear signal from government that local communities are really able to make plans that will have effect'.

'We would urge the Government to read this report and work with NALC and other bodies to realise the full potential that effective neighbourhood planning offers'.

## Conclusion

The National Planning Policy Framework requires that planning permission should be granted unless:

'The adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of this framework taken as a whole'.

These objections demonstrate that overall it is clear that adverse impacts outweigh benefits in this application and there are sufficient planning reasons to reject it. This opportunity should be embraced as an act of leadership and then this energy harnessed with that of the community to deliver Eye's future growth.

If approved, MSDC will miss a wonderful opportunity to deliver a future built environment for the town of Eye driven by community interest via a NP rather than by reaction to purely commercially driven projects

## Appendix

## Comments by Eye Town Council in Objection to the Application for Residential Development at Maple Drive [sic] and Tufts Way, Eye.

The National Planning Policy Framework requires that planning permission should be granted unless:

'The adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of this framework taken as a whole.'

The proposal to develop 123 dwellings at Maple Drive/Tufts Way in Eye would have a number of adverse impacts in relation to the policies of the NPPF as a whole:

1. At least 10% of sites should be on sites of less than 1 hectare - the Pre-Submission draft of the Eye Neighbourhood Plan 2018 - 2036 (ENP) proposes 3 sites of less than 1 hectare for residential development. This mix of sites would be threatened by permitting the Maple Drive application.
2. The use of brownfield sites should be maximised - the ENP proposes 4 residential development sites on brownfield land which together would bring forward 139 dwellings. If the Maple Drive site was permitted, along with the development south of Eye Airfield, there would be a supply of over 400 dwellings. With an estimated 40 dwellings per year completion rate this is 10 years supply of land. This oversupply of greenfield land for residential development would hold back the development of the brownfield sites identified in the ENP.
3. The NPPF requires a sufficient supply and mix of sites - the ENP identifies a range of sites for different types and tenures of housing. Permitting Maple Drive would threaten this objective by concentrating development on two greenfield sites with less diversity of provision.
4. Development should contribute to wider social and economic objectives - the oversupply of greenfield land would frustrate a number of wider objectives by holding back the development of brownfield sites:
  - a. Eye Surgery/Hartismere Health and Care - the provision of efficient and effective health facilities is a major concern of Eye residents especially in relation to the population growth of the Town. The redevelopment of the Local Surgery and part of the Hartismere Health and Care site would enable substantial reinvestment in the Health and Care facility. This redevelopment will be at risk if Maple Way is permitted.
  - b. The A1 Chicken Factory - the factory is an inappropriate use adjoining the old Town of Eye and its conservation area. The odour from the site is a major concern of Eye residents who would like the site to be redeveloped. The ENP

proposes redevelopment for housing, food retail and much needed additional car parking for the Town centre. The site probably has contaminants from its current use and from its use for transporting munitions during WWII so redevelopment will be expensive. The redevelopment of the Chicken Factory will allow its owners to reinvest in other more suitable and efficient sites meeting economic objectives. This redevelopment will be at risk if Maple Way is permitted.

- c. Paddock House - this site will also be expensive to develop, and the District Council has already invested a substantial sum of public money in purchasing the site. Its redevelopment will be at risk if Maple Way is permitted and the site will remain an eyesore in the centre of the historic Town conservation area.
5. A balance of housing supply including affordable and sheltered housing - The ENP makes provision for a substantial supply of housing including for affordable and sheltered housing on a range of sites across the Town making suitable provision more likely.
  6. The NPPF objectives should be delivered through Plans and the planning system should be Plan led:
    - a. The District Council has failed in its duty to have a Local Plan reviewed every 5 years. Eye Town Council has prepared a Neighbourhood Plan, currently at Pre-Submission stage, with the full involvement of local people.
    - b. The NPPF promises that preparing a Neighbourhood Plan will 'give communities power to develop a shared vision for their area'. The community has engaged in two consultation stages in the preparation of the ENP during 2018. It has demonstrated its preferences and priorities for housing development. There is a strong preference for the sites identified in the ENP including a reserve greenfield site south of Eye Airfield and to the north of the 280 dwellings South of Eye Airfield. Residents were asked to choose between this reserve site and the site at Maple Way. 80% of people who expressed a preference supported development on the west side of the town compared to 20% who supported Maple Way.
    - c. The Mid Suffolk Local Plan Core Strategy 2012 proposes that the Town should expand to the north-west towards Eye Airfield. This guidance remains current.
    - d. Permitting a site which is contrary to the preferences of local people would be contrary to the spirit of NPPF and would lead to a loss of confidence in the Planning system by the people of Eye.
    - e. The ENP has been prepared with the aid of significant public investment through Neighbourhood Planning grant aid and technical support and funding from Eye

Town Council. This funding has addressed all the issues required by the planning system including housing needs assessment, site assessment and site viability assessment. To make a decision contrary to the Plan is a waste of public investment.

- f. NPPF allows for neighbourhood plans to be taken into account in planning decisions. While it suggests Neighbourhood Plans should be given most weight after the end of the Local Authority publicity period it does provide for 'weight to be given to the relevant policies in emerging plans' and regarding Neighbourhood Plans it states that 'Refusal of planning permission on grounds of prematurity will seldom be justified'. In this case it is justified for the reasons set out in this paper.
7. NPPF requires developers to engage with local people regarding design quality – the proposers of the Maple Way site have not undertaken any engagement with local people.
8. The Maple Way site is within an area of Landscape Value identified in the Local Plan - while the Local Plan policy does not preclude development on sites within the landscape value area, the ENP has demonstrated that other land that is not within the area is suitable and available for development.

Andy Robinson  
Eye Town Council Project Co-ordinator,  
5th December 2018”

**At the time of drafting this supplementary committee report [19 February 2019] twenty-five [25] public consultation responses had been received. [the official expiry dates for comments to be submitted was 14 February 2019.**

**Of the 25 responses received all were objections**

In terms of physical distribution, the responses break down thus:

Century Road\*, Tuffs Road, Ashton Road: **20**

Maple Way, Bellands Way, Oak Crescent: **4**

Hoxne Road: **1**

\* [of these - 2 properties accounted for 7 responses]

Members are advised that **210** neighbour notification letters were issued to properties in the vicinity.

Responses can be summarised thus: PLEASE NOTE: the figure in brackets [ ] reflects frequency with which that view was expressed:

- [18] traffic/highway issues
- [16] contrary to Local Plan
- [13] poor/inadequate access
- [13] not sustainable/unnecessary 'brownfield' development
- [13] landscape harm
- [12] strain on community facilities
- [10] contrary to Eye Neighbourhood Plan
- [8] loss of open space
- [8] ecological harm
- [7] lack of parking/worsen parking problems
- [7] loss of outlook
- [7] Century Road/ Victoria Hill junction not safe and is already busy/ poor visibility
- [7] 30mph speed limit in Victoria Hill regularly exceeded [speedwatch survey suggests 38-39mph]
- [6] 'general dislike' of proposal
- [6] application lacks detail
- [6] loss of property value
- [6] overlooking
- [6] general harm to residential amenity
- [5] poor design
- [5] drainage issues
- [4] flooding
- [4] boundary issues
- [4] health risks/car fumes
- [4] applicant should have discussed proposal with the community

- [3] development 'out of character'
- [3] nuisance from building work if approved
- [3] additional traffic assessment was submitted too quickly after the Committee meeting to be trusted
- [3] health and safety issues
- [2] harm to listed buildings
- [2] insufficient open space within the development
- [2] contrary to NPPF
- [2] contrary to SCC[Highways] advice on the number of dwellings to be served from a single access
- [2] poor public transport

and for the following [1].....

- the development is inappropriate within a conservation area
- Mid Suffolk now has a 5-Year Housing Land Supply and so development is not required
- fear of crime
- loss of good quality agricultural land
- applicants traffic figures are flawed {ADD RESIDENTS FIGURES}
- the Planning Committee should discuss this in Eye not Ipswich
- if approved this development will prejudice implementation of NP sites
- risks to child safety in Bellands Way/Oak Crescent Central Open Space
- insufficient notification
- SCC Highways design advice document is confusing and contradictory [100 dwellings or 150 dwellings/ minor road and single points of access]
- light pollution

Members will note that the revised consultation has not unexpectedly now resulted in the majority of objections coming from the Century Road and adjacent streets at the northern end of the site rather than the Bellands Way and adjacent streets end. The ratio is 5:1. This clearly reflects the fact that the amended access arrangements resulting in Maple Way now being proposed only as an access for emergency vehicles has allayed perceived concerns around traffic generation at that end of the proposed development. Members will recall that SCC Highways did not object to the original two access point arrangement.

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**PART THREE – ADDITIONAL ASSESSMENT in respect of REVISED APPLICATION  
Prepared for the Planning Committee A meeting on 13 March 2019**

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**3.1 What has happened since the meeting of 16 January 2019 in terms of progressing a Neighbourhood Plan for Eye?**

The process is now at Regulation 18 Pre-Submission Consultation Draft Stage. A verbal update will be provided at the meeting

**3.2 What has happened since the meeting of 16 January 2019 in terms of the Council's formal 5-Year Housing Land Supply Position?**

The Council's formal position is that it currently cannot demonstrate that it has a 5-Year Housing Land Supply following the 'Woolpit' appeal decision. Members will recall that the Council lost the appeal with the Inspector indicating that in his opinion the demonstratable 5-Year Housing Land Supply was 3.4 years. At recent appeals, Hearings and Inquiries [as recently as 12/13 February 2019] relating to sites in Mid Suffolk the Council has maintained its formal position of not being able to demonstrate that it has a 5-YHLS. This is because the recent document published by the Council reviewing its 5-YHLS is the subject of consultation. It has no status. It is not part of the Annual Monitoring Report and has not been tested at appeal. The document may in itself acquire some weight depending on whether the figures in it are challenged via the consultation exercise and whether it needs consequent amendment. At that stage a decision will be taken as to how to legally ascribe it weight in decision making process.

**3.3 As discussed earlier the delivery rate for new housing is and has been below the trajectory necessary to meet the Council's delivery targets**

**3.4 What is the relevance of NPPF paragraphs 108b & c, 109 and 110c to the discussion at hand and as referred to in the formal minute of the Committee meeting of 16 January 2019?**

**3.5 Paragraph 108b:**

**"Considering development proposals**

**108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:**

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

**b) safe and suitable access to the site can be achieved for all users; and**

**c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. ”**

### **3.5.1 Officer comment:**

Clearly the relevance of 108b here is highlighted by the fact that the Town Council and objectors disagree with the professional advice of Suffolk County Council as local highway authority as to degree to which access arrangements can be considered safe. Locally objections are voiced in regard to what are described as excessive speeds on Victoria Hill, poor visibility at the Century Road/Victoria Hill junction, conflict between cars and cars and people at the pinch point on Oak Crescent, narrow road widths and on street parking which narrows the road width amongst other things all of which are perceived to increase highway hazards and public safety. This issue will be explored in detail shortly and evidence examined to see where the balance of judgement should rest.

### 3.6 Paragraph 109:

#### **“Considering development proposals**

**109 Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. ”**

### **3.6.1 Officer comment:**

Here the Framework highlights the two key components involved in assessing the highway implications of proposed developments:

Safety

Efficiency

Members are required to consider whether:

- (i) the proposal will be likely to produce an unacceptable impact of highway safety [accident risk to life and limb]; and,
- (ii) will the combined effects of the proposed development result in the highest level of impact [severe] upon the efficiency of the local highway network to satisfactorily cope with the demands that are likely to be put on it. Here we mean unacceptable congestion, queuing, delays

3.7. Paragraph 110:

**“Considering development proposals**

**110 Within this context, applications for development should:**

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;**
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. ”

**3.7.1 Officer comment:**

This paragraph refers to an holistic approach familiar to the planning process as it is about how people, spaces, buildings, transport interact to create places that are desirable. We are therefore required to look in detail at each of these components:

- Minimising scope for conflict
- Avoiding unnecessary street clutter
- Response to local character
- Design standards

...when assessing the merits of the proposed access arrangements and the principle of development and ascribe weight to each factor when reaching judgements on the overall weight to be given to the various relevant considerations.

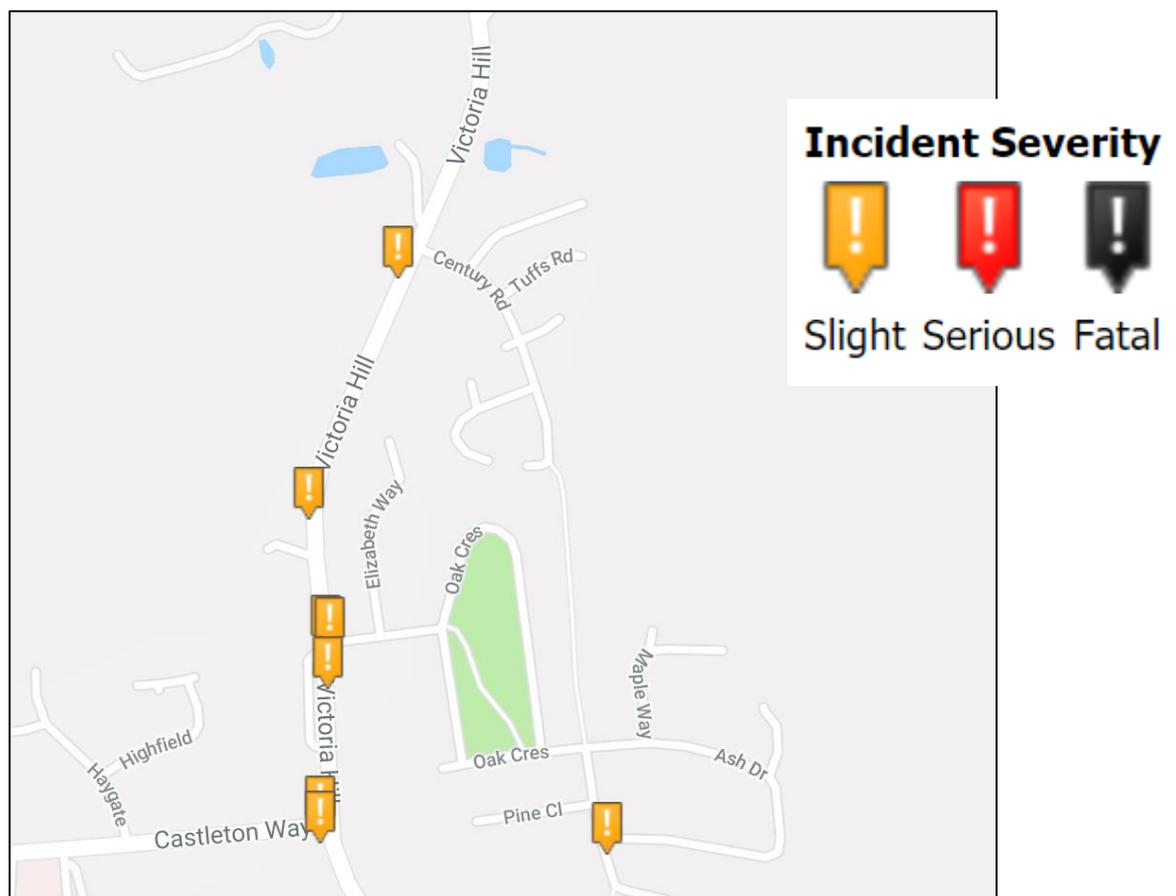
- 3.8 There can be no question that in this particular case the sections of the paragraphs within the NPPF referred to above and cited by some speakers at the meeting on 16 January 2019 and as reflected in Members reasons for deferral in the official minute are relevant.

### 3.9 Highway Safety

**Can the question - How safe the current local highway in the vicinity of the proposal be answered?**

3.9.1 At the meeting of 16 January 2019 the attending highway officer offered some accident data as this the usual metric for describing levels of highway safety based on the principle that the lower the level of accidents the more likely it is that the location can be said to be safer than locations with higher accident records. The usual criticism of this approach is that accidents that show up in such statistics are those where an incident was recorded. [usually because it was reported to police after the event by those involved or the incident was attended by them]. This clearly doesn't pick up all incidents and is likely to fail to capture near misses, accidents where there was no damage [on that particular occasion] or where there was no physical injury to any person. It is however a useful indicator of relative safety.

3.9.2 The only record that SCC has is injury accident data and this is the only information that is reliable – rather than here-say and perception – this is a national standard. It is not just SCC that relies on it



**ACCIDENTS for the 5 years 2014 – 2018 [incl]**

3.9.3 The local highway authority therefore pointing to evidence suggests that the local network hereabouts is currently relatively safe. No location can ever categorically be said to be absolutely safe because so many random variables can come into play chief of which is human error.

**3.9.4 To what extent will this relative safety be likely to be prejudiced by the proposed development?**

3.9.5 In terms of the revised access arrangements it must now be true that the proposal will generate few regular vehicle movements through the Bellands Way, Oak Crescent Maple Way corridor simply because the only vehicular access in and out of the proposed development will be via Tuffs Road/ Century Road. There will be no inter-connectivity for general vehicular traffic.

3.9.6 This in turn removes local safety concerns about:

- possible accidents between vehicles going to and from the development and existing residents parked vehicles. (no records of accidents and no records of complaints on SCC database)
- possible increased risk to pedestrians crossing Oaklands Crescent between sections of existing public footpath [and there being more car traffic] (no records of accidents and no records of complaints on SCC database)
- possible increased risk of vehicular accidents at the 'pinch point' in Oaklands Crescent. (no records of accidents and no records of complaints on SCC database – this can be mitigated if necessarily by putting in priority system)
- increased risk to the safety of children using the Oaklands Crescent central open space as a result of increased traffic levels around the green. (this can have mitigation by putting in pedestrian crossing points or raised tables)

3.9.7 Inevitably the consequence of altering access arrangements to a single point of access at the northern end of the site is that Century Road and Tuffs Road will, if the application is approved, will experience higher levels of traffic movement than if two points of access were being provided at opposing ends of the development.

3.9.8 Suffolk County Council as local highway authority has examined the impact of this amendment and is satisfied that:

- the Century Road / Victoria Hill junction can satisfactorily and safely accommodate the increased traffic movement
- the predicted increase in traffic movement of 12% at peak time is not severe and will not adversely impact the local road network
- Any risk of additional queuing is negligible and certainly not severe or even material [estimated to be an additional 1.5 seconds]
- Existing visibility splays at the Century Road / Victoria Hill are appropriate for a 30mph limit where speeds are exceeding that figure.

- Both Century Road and Tuffs Road as 'Adopted' highway are designed to a specification that is capable of safely accommodating the expected vehicular movements to and from the proposed new development.
- The section of road between Victoria Hill and the new development is significantly shorter and less serpentine in geometry than the previous southern access and as such is a more efficient route.
- The arrangement does comply with SCC highway design standards.

3.9.9 Suffolk County Council as local highway authority raises no objection to the revised access arrangements

3.9.10 In view of the fact that Century Road and Tuffs Road are constructed to a specification that means it is perfectly adequate to cope safely with the additional traffic generated by the proposed development the Council as local planning authority cannot reasonably refuse the proposal on highway grounds.

3.9.11 The existing roads to and from the proposed development are like most other roads that serve later estate development and there is nothing particularly unusual about their geometry. On-street parking may already occur but this does not appear to prevent existing residents getting to and from their homes. The proposed development, if approved, will provide adopted parking standard levels of off-street parking and its own estate roads and there is no reason to expect the new development to result in overspill parking pressure in adjoining streets. SCC has no records of complaints regarding parking.

3.9.12 As described in the previous report existing residents in Century Road and Tuffs Road will inevitably experience more traffic passing their homes because Tuffs Road is at present a cul-de-sac. This increase in vehicle movements may initially be noticeable but there is no reason to suggest that that residential amenity will be harmed such as to warrant a refusal of planning permission. [certainly based on SCC [H] junction peak movements analysis] . It will be recalled that SCC Highways estimate the development will generate an increase in traffic during the peak hour of 1.2 vehicles per minute]

3.9.13 Indeed existing young residents at the northern end of the proposed site will, if the application is approved and delivered, have access to new open space and play facilities which would be of benefit from a safety perspective when compared to playing in the street.

### **3.9.14 Other Considerations**

3.9.15 The newly offered provision of additional landscaping and a prescriptive footpath/cycle route to the immediate east of the application site [on blue land] will serve to enhance connectivity/permeability. It will also enhance screening and will help to create a satisfactory boundary between the urban edge of Eye and the open countryside beyond. The current boundary is highly unsatisfactory.

- 3.9.16 The newly offered willingness to contribute the highway works and signage at the 'pinch point' in Oaklands Way will not just benefit new occupiers of the proposed development when travelling southwards towards Eye Town Centre but also existing residents who use Oaklands Crescent. Safety will therefore be enhanced
- 3.9.17 The conditions continue to stipulate a reduced Reserved Matters submission and implementation period as encouragement to deliver.

#### **4.0 Planning Balance and Conclusions [13 March 2019]**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.2 The proposal offers some economic benefits. Construction-related benefits [eg: construction jobs and building supplies] would be temporary and, in any event, they will apply to new housing in most locations. Therefore, it is suggested that these be afforded modest weight.
- 4.3 The introduction of new residents into Eye will also provide a limited degree of support for local businesses and services in the form of increased local spend. The development will also contribute CIL funding.
- 4.4 The proposal would provide benefits in the form of community open space and the opportunity for bio-diversity enhancements. Footpath links to the wider countryside when delivered will also represent a modest benefit.
- 4.5 Similarly 'greening' the urban edge hereabouts will also soften the unsympathetic impact of existing development on the view from the countryside
- 4.6 The proposal will meet a need for affordable housing. Having regard to the number of units proposed [44] it is suggested that significant weight be given to this benefit. Similarly in the absence of being able to demonstrate a 5YHLS the proposed open-market housing would be a benefit, although this would in isolation be 'modest' in the context of the District as a whole and it is therefore suggested this be given moderate weight.
- 4.7 Whilst the proposed development will have an impact on the character of the countryside hereabouts which has the local designation of Special Landscape Area the fact that it is open farmland with a backdrop of existing development does mean the visual impact is low. Indeed with enhanced planting and landscaping it ought to be possible to improve the transition from urban to countryside via this development. It is noted that the site which forms 1a in the CDENP is considered less of an issue than 1b which lies alongside. This may well be that 1b effectively pushes development further into the SLA whereas 1a is to some degree rounding off.
- 4.8 Any harm to the setting of the St Peter and St Paul's Church and Eye Castle have been assessed as negligible and views from the direction of the development are already impacted by late 20<sup>th</sup> century development on the north-east side of the town. Similarly views from these Town Centre locations out towards the countryside will not be

adversely impacted by this development sitting as it does beyond existing intervening development.

- 4.9 The less than significant harm to Bromeland Cottage will be adequately mitigated by distance, geography, existing trees and hedgerows and careful layout planning.
- 4.10 The proposal as now revised [single point of access [Tuffs Road] and emergency vehicle only [Maple Way] will be safe. Based on advice from Suffolk County Council Highways who have now considered the proposal twice having reviewed their initial comments as requested by Members.
- 4.11 Indeed the revision including as it now does extended landscaping to the east and the inclusion of footway/cycleway linking offers real connectivity and modal shift advantages. Particularly as it will link an existing designated public that runs west-east along the top of the site with an existing footway / cycleway link into Town further south
- 4.12 Proposed improvements in the form of highway works at the Oaks Crescent pinch point also represent a useful enhancement to pedestrian safety and improved connectivity.
- 4.13 Contributions towards bus stop improvements on Victoria Hill are also a benefit that needs to be given weight as it will may encourage increased bus use locally if facilities are of a better standard.
- 4.14 Whilst residents, in Tuffs Road in particularly, will experience increased numbers of vehicles passing their homes (it being a cul-de-sac] the numbers involved will not be significant at any one point in the day. This may cause some initial disturbance but the road itself is designed to a standard to accommodate significant traffic flows and there is no concern from SCC Highways on highway safety or highway capacity grounds.
- 4.15 Residents in the vicinity of the new development will have access to open space and play areas within the new development and this will increase local choice around play activities for children.
- 4.16 The proposed development will contain a mix of tenures and, unit sizes and therefore price. All of which increase consumer choice and ensure that a community continues to cater for a broad demographic.
- 4.17 The adverse impacts of granting permission will significantly and demonstrably be outweighed by the benefits of the proposal. As such, the proposal amounts to sustainable development and, therefore, scores positively against other material considerations including the tilted balance triggered by the coming into play of paragraph 11 (d) of the NPPF [2018]
- 4.18 It will result in a loss of amenity for adjoining residents in the roads closest to the proposed access points in terms of increased vehicular movement through what are currently vehicular dead ends. This will impact the relative tranquillity. This impact is however not considered to be of an intensity to reasonably warrant refusal and its impact in planning terms is considered to be minor.
- 4.19 It is worth noting that the National Planning Practice Guidance at paragraph 009 ID 21-b-009-20140306 reminds readers that:

“ The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided it has regard to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case (subject to the test of reasonableness) the courts will not get involved in the question of weight”

4.20 In terms of ‘prematurity’ and within the context of paragraph 014 ID 21b-014-20140306 the approval of up to 126 dwellings [if Members so decide] will not in the view of officers not be premature. This is because the Joint Local Plan has yet to reach submission stage [as indeed nor has the Eye Neighbourhood Plan] and therefore refusal on the grounds of prematurity is ‘seldom justified’. The exemption to this notion is where such a decision will ‘prejudice the outcome of the plan making process’ From a strategic perspective up to 126 dwellings is not significant and will not affect the overall housing strategy of the Councils in terms of where it directs growth in the 2018-2036 Plan. Similarly as reported earlier the Pre-Submission Draft Neighbourhood Plan for Eye also includes an unspecific windfall allocation for additional housing in excess of 126 units.

## **5.0 Executive Conclusions [13 March 2019]**

- 5.1 The principle of residential development remains acceptable as previously set out in the report of 16 January 2019.
- 5.2 Having reviewed its earlier advice the County Council as local highway authority has found no justification to change that advice.
- 5.3 Suffolk County Council as local highway authority continues to raise no highway objection to the initially proposed access arrangements on safety or capacity grounds and it also has no objection to the revised access arrangements.
- 5.4 Planning officers consider the revised access arrangements offer benefits [as described] over the initially proposed arrangements and the revised arrangement is considered acceptable in all respects.

## 6.0 Recommendations [13 March 2019]

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Corporate Manager - Planning for Growth to secure:

- (a) Provision, management and maintenance of Public Open Space.
- (b) 35% Affordable housing provision [75% rented : 35% shared equity]
- (c) Bus stop improvements contribution (£25,000)
- (d) Footpath improvement contribution £15,000
- (e) A smarter choices contribution of £250 per dwelling [index linked]
- (f) An agreed financial contribution to fund highway works including the provision of a table in Oaklands Crescent at the 'pinch point' and associated road signage [legal costs [TRO] signage cost and installation cost]

(2) That the Corporate Manager - Planning for Growth be authorised to grant Outline Planning Permission subject to conditions including:

- Reduced time limit to promote delivery [2 years for RM and 18 for commencement]
- Reserved matters outline
- All layout drawings to be excluded from the permission
- Only one point of access for general vehicular traffic is agreed and that is from Tufts Road
- The Maple Way access is only permitted to be used by emergency service vehicles, pedestrians and cyclists and the detail of how this shall be achieved shall be submitted to and approved by the lpa prior to occupation of any unit. Such details as shall have been approved shall be provided in accordance to an agreed timetable and shall thereafter be retained in perpetuity
- Reserved matters to include cross sections
- External materials to be from the traditional vernacular palette
- Restriction on occupation until additional land to east [blue land] has been provided as a landscape buffer and footpath/ cycle link to a specification to be agreed with the Council [and for the prescriptive right to use that route in perpetuity is legally guaranteed]
- Highways- restriction on access road gradient
- Highways- road widening, footway provision and warning signs
- Highways- details of estate roads
- Highways- road serving dwellings completed to base course prior to occupation
- Highways- provision and retention of manoeuvring and parking areas
- Highways – Travel Plan amendments
- Highways – Deliveries Management Plan
- Highways – Residents Travel Pack
- Surface water drainage scheme
- Details of implementation, maintenance, and management of surface water drainage scheme
- Details of sustainable urban drainage system components and piped networks

- Construction Surface Water Management Plan
- Foul water strategy
- Surface water management strategy
- Programme of archaeological work
- No occupation until archaeological assessment complete
- Unexpected contamination
- Fire hydrant provision details
- Sustainable efficiency measures
- Secure mitigation and ecology enhancement measures - Skylark Mitigation Strategy
- Lighting scheme – biodiversity
- Construction Management Plan
- Withdrawal PD rights

#### Notes

Section 38 of the Highways Act 1980

Section 278 of the Highways Act 1980

Scheme of archaeological investigation

(3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured that the Corporate Manager- Planning for Growth be authorised to refuse planning permission on appropriate grounds.